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LEE & HAYES, PLLC 601 W. RIVERSIDE AVENUE SUITE 1400 SPOKANE, WA 99201			EXAMINER PARKER, BRANDON	
			ART UNIT 2174	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/801,799	<b>Applicant(s)</b> MACLAURIN ET AL.	
	<b>Examiner</b> BRANDON PARKER	<b>Art Unit</b> 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-11,13-18 and 20-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-11, 13-18 and 20-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

Claims 1, 3-11, 13-18 and 20-23 remain pending for examination.

#### ***Response to Arguments***

Regarding claim 1, 16, 17 and 22, Applicant argues Klevenz nor Baker disclose metadata tags further describing a history of interaction between a user and the collection of data items.

Examiner respectfully disagrees, Baker discloses stack of image data is created by individually selecting images from the displayed images, wherein each time an image is selected, the image data representing the selected image is pushed onto the stack of image data, the stack of image data including information defining an order in which the selected images are to be displayed. A tag (i.e. metadata) is assigned to the stack of image data, uniquely identifying the stack of image data, the tag being included in the stack of image data"

Furthermore Baker discloses the user can override the default order in which the images are placed in the stack, resorting the images or skipping over images based on individual preference. For example, the user's preference can be stored in standard cookie format on the user's computer. As shown in FIG. 4, if the stack is to be placed in a special order (Yes, Step S44) (e.g., based on previous user preference, etc), the user's computer is checked for a local cookie (Step S46). The local cookie may contain information indicating past user preferences. The stack is then reordered (i.e. by the user) in accordance with the past user preferences (i.e. metadata tags further

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describing a history of interaction between a user and the collections of data items, Par. 0054).

Applicant argues that Baker does not disclose selectively animates a presentation of the collections of data items based in part on the metadata tags.

Examiner respectfully disagrees, Baker discloses “pull/down/scroll menu selections for user selection of magazine covers (i.e. stacked images) related to particular subjects (i.e. metadata) from among many different subjects” (Par. 0056) wherein “the stack of image data including information defining an order in which the selected images are to be displayed and assigning a tag to the stack of image data” (Abstract).

Regarding claim 4, applicant argues Baker does not disclose “the collection of data items further comprise a top item displayed as a thumbnail preview or an expanded size preview”

Examiner respectfully disagrees, Fig. 9 specifically discloses FIG. 9, an image depicting the cover of "CAR AND DRIVER" magazine may be displayed on the top of the stack (Par. 0048).

Regarding claim 5, Applicant argues Baker does not disclose a transitional animation that is employed to visually link movement of an axial controller with a change in a displayed icon

Baker discloses “a portion of the additional information corresponding to an image on a top of the stack may be displayed when each image is displayed on the top

of the stack” (Par. 0015). Fig. 9 discloses a previous and next button which transition web stacked images which visually link and move the stack image from one to another.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-11, 13-18 and 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klevenz et al (US Publication 20030137540 hereinafter” Klevenz”) in view of Baker et al (US Publication 20020047856 hereinafter “Baker”).

Regarding claim 1, Klevenz discloses a system comprising a processor; a memory accessed by and operated on by the processor “a user interface state comprises a navigation state stored in a stack structure, and placing information about a replacement pane in a user interface state comprises pushing information about the replacement pane onto the stack structure”, (Par. 0015) comprising:

at least one display object having metadata tags that describe two or more collections of data items “metadata to categorize documents into multiple taxonomies, for browsing and/or retrieval”, (Par. 0058, Fig. 5B, Par. 0080, Par. 0081), “information could include information about data”, (Par. 0059); and

a control component that selectively animates a presentation of the collections of data items based in part on the metadata tags and detected user activities (Par. 0058);

global controls for collecting unrelated data items in the collections of data items and subsequently preview items the collection of data items (Par. 0077); and

one or more controller inputs to control the presentation of the collection of data items, wherein a user utilizes the one or more controller inputs to navigate the collections of data items via selecting a collection, “a user interface may present data of an application in an organized format. Furthermore, a user interface may allow a user to navigate through data and select certain data for more detailed analysis. Additionally, a user interface may contain a data entry portion. Thus, a user interface may present data to and receive data from a user for an application”, (Par. 0040) wherein selection of the collection of data items changes the order of the collection and moves the selected collection of data items to the front of the collection “the user interface state would be updated to reflect replacement of a pane in the page with the next pane”, (Par. 0065), allowing the user to navigate the rest of the collections of data items in a finer grained manner starting at the selected collection “system and technique may allow for finer-grained navigation than on a page level. Moreover, the navigation may be fluid as it may

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proceed forward and/or backward and different actions for a control may affect the navigation differently", (Par. 0028).

Klavenz does not disclose each collection of data items being a differing application nor discloses metadata tags further describing a history of interaction between a user and the collections of data items.

Baker discloses a method of providing web -based stacked images (i.e. collection of data items) includes providing a database of image data (i.e. history of images), the image data representing a plurality of separate images, displaying at least a portion of the plurality of separate images, creating a stack of image data by individually selecting images from the displayed images, wherein each time an image is selected, the image data representing the selected image is pushed onto the stack of image data (i.e. moves the selected collection of data items to the front of the collection) the stack of image data including information defining an order in which the selected images are to be displayed and assigning a tag to the stack of image data, uniquely identifying the stack of image data, the tag being included in the stack of image data (Abstract, Fig. 1).

Baker discloses display stacked images and data relating to the image (S19, Fig. 1) and an unrelated images (S20, Fig. 1). Baker discloses are different application program images (Par. 0043, Par. 0055).

Furthermore Baker discloses the user can override the default order in which the images are placed in the stack, resorting the images or skipping over images based on

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individual preference. For example, the user's preference can be stored in standard cookie format on the user's computer. As shown in FIG. 4, if the stack is to be placed in a special order (Yes, Step S44) (e.g., based on previous user preference, etc), the user's computer is checked for a local cookie (Step S46). The local cookie may contain information indicating past user preferences. The stack is then reordered in accordance with the past user preferences (i.e. metadata tags further describing a history of interaction between a user and the collections of data items, Par. 0054)

It would have been obvious to one skilled in the art at the time of invention to combine the stacked/unstacked application program images as taught by Baker with the finer grained navigation of Klevenz to effectively reorder a collection of items.

Regarding claim 3, Klevenz discloses a system of claim 2, the controller inputs include at least one of a mouse curser control, a mouse wheel control, a voice command, an eye-gaze control, and a mechanical control to control the presentation of items “a pointing device (e.g., a mouse or a trackball) by which the user can provide input to the computer”, (Par. 0108)

Regarding claim 4, Klevenz discloses a system of claim 1 and “a user interface state comprises a navigation state stored in a stack structure, and placing information about a replacement pane in a user interface state comprises pushing information about the replacement pane onto the stack structure”, (Par. 0015, 0027, ), but does not disclose the collection of data items further comprise a top item displayed as a thumbnail preview or an expanded size preview.



Baker discloses each time an image is selected, the image data representing the selected image is pushed onto the stack of image data (i.e. moves the selected collection of data items to the front of the collection) the stack of image data including information defining an order in which the selected images are to be displayed and assigning a tag to the stack of image data, uniquely identifying the stack of image data, the tag being included in the stack of image data (Abstract, Fig. 1).

It would have been obvious to one skilled in the art at the time of invention to combine the top displayed thumbnail as taught by Baker with the scrolling transition of Klevenz to effectively manipulate a stack of images.

Regarding claim 5, Klevenz discloses a system of claim 1, but does not explicitly disclose a control to provide a transitional animation that is employed to visually link movement of an axial controller with a change in a displayed icon

Baker discloses “a portion of the additional information corresponding to an image on a top of the stack may be displayed when each image is displayed on the top of the stack” (Par. 0015). Fig. 9 discloses a previous and next button which transition web stacked images which visually link and move the stack image from one to another.

It would have been obvious to one skilled in the art at the time of invention to combine the stacked images as taught by Baker with the replacement interface panes of Klevenz to effectively transition from one object to the next.

Regarding claim 6, Klevenz discloses a system of claim 1, further comprising a currently selected preview image that is integrated with a collection icon as a reminder of collection contents, “specifying an event associated with replacement of a pane

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comprises specifying whether a previously used pane should replace the pane", (Par. 0023)

Regarding claim 7, Klevenz discloses a system of claim 1, the control component further comprises at least one of an object locator, a command detector, a content analyzer, and a formatter to selectively animate the presentation of the items (Par. 0108), it is implied the mouse is moved by the detected user command i.e. detects user interaction with the user interface and communicates messages (Par. 0040).

Regarding claim 8, Klevenz discloses a system of claim 1, further comprising a graphical user interface to selectively animate the presentation of items (Abstract).

Regarding claim 9, Klevenz discloses a system of claim 8, the graphical user interface further comprising a set of preference controls that can change, by type of item, preview visualizations and access behaviors associated therewith ("customize the application, which is beneficial because one customer may prefer a more streamlined application" Par. 0028 0041)

Regarding claim 10, Klevenz discloses a system of claim 1, the collections of data items include one or more subcomponents that can be previewed, selected, or displayed (section/subsections Par. 0080).

Regarding claim 11, Klevenz discloses a system of claim 1, the items can be previewed in two dimensional or three dimensional form (118b, Fig. 1)

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Regarding claim 13, Klevenz discloses a system of claim 1, further comprising controls to scale the collection of items to be previewed (Par. 0007)

Regarding claim 14, Klevenz discloses a system of claim 1, further comprising a control to determine a rough position of the collection in the collection of items (Par. 0057)

Regarding claim 15, Klevenz discloses a computer readable medium having computer readable instructions stored thereon for implementing at least one of the display object and the control component of claim 1 (Par. 0107).

Regarding claim 16, Klevenz discloses a computer readable storage media comprising computer executable instructions that when executed by a processor perform steps “a user interface state comprises a navigation state stored in a stack structure, and placing information about a replacement pane in a user interface state comprises pushing information about the replacement pane onto the stack structure”, (Par. 0015) comprising:

displaying a set of information items; selecting the set of information items by moving a mouse cursor over them (Abstract); detecting a value with respect to the set of information items “receiving an indication of user interaction with a portion of the page; determining an event associated with the indicated interaction;

and selectively generating a replacement pane based on the event determination”, (Abstract); and previewing the information items based upon incrementing or decrementing the value “user interface state is included with a message containing information regarding the replacement pane”, Claim 36.

Klevenz does not explicitly disclose to define a currently selected information item and upon moving the mouse cursor from the set of information items, integrating the currently selected information item with the remaining information items such the the selected information items is left atop the stack or wherein the stack is a graphical representation of the set of information comprising the differing applications. Klevenz does not disclose the displaying based on metadata tags describing a history of interaction between a user and the set of information items.

Baker discloses a method of providing web -based stacked images (i.e. collection of data items) includes providing a database of image data, the image data representing a plurality of separate images, the image data representing the selected image is pushed onto the stack of image data (i.e currently selected information item with the remaining information items such the the selected information items is left atop the stack) the stack of image data including information defining an order in which the selected images are to be displayed (i.e. metadata tags) and assigning a tag to the stack of image data, uniquely identifying the stack of image data, the tag being included in the stack of image data (Abstract, Fig. 1,tag, Par. 0006, Par. 0015). Baker discloses display stacked images and data relating to the image (S19, Fig. 1) and an unrelated images (S20, Fig. 1). Baker discloses are different application program images (Par. 0043, Par. 0055). Furthermore Baker discloses the user can override the default order in which the images are placed in the stack, resorting the images or skipping over images based on individual preference. For example, the user's preference can be stored in standard cookie format on the user's computer. As shown in FIG. 4, if the

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stack is to be placed in a special order (Yes, Step S44) (e.g., based on previous user preference, etc), the user's computer is checked for a local cookie (Step S46). The local cookie may contain information indicating past user preferences. The stack is then reordered in accordance with the past user preferences (i.e. metadata tags further describing a history of interaction between a user and the collections of data items, Par. 0054)

It would have been obvious to one skilled in the art at the time of invention to combine the stacked/unstacked application program images as taught by Baker with the finer grained navigation of Klevenz to effectively reorder a collection of items.

Regarding claim 17, Klevenz discloses computer readable storage media comprising computer executable instructions that when executed by a processor perform steps, comprising: selecting a stack of display items with a first control “a user interface state comprises a navigation state stored in a stack structure, and placing information about a replacement pane in a user interface state comprises pushing information about the replacement pane onto the stack structure”, (Par. 0015)

and cycling the stack of display items “a user interface state comprises a navigation state stored in a stack structure, and placing information about a replacement pane in a user interface state comprises pushing information about the replacement pane onto the stack structure”, (Par. 0015)

with a second control in order to provide an information preview with respect to at least one of the items "user interface 114 includes a page 116, also known as a screen, that is itself composed of panes 118. A pane may be rectangular, square, elliptical, circular, or any other appropriate shape. As illustrated, pane 118a contains pane 118b and pane 118c. Additionally, pane 118b contains controls 120a-b and pane 118c contains control 120c. A control is basically a container for widgets that are displayed in the user interface. Thus, a control could be a composite of input fields, labels, buttons, and other fields. An example of controls is a "name" control and an "address" control for a shipping function. The "address" control, for instance, may contain five widgets: two input fields for entering street address, one drop-down box for choosing state, one input field for entering zip code, and one "ok" button to indicate that the address is complete. As illustrated by the controls example, user interface 114 may also facilitate the receipt of input from a user, such as, for example, the input of information and the selection of an action associated with information and/or a control", (Par. 0042),

Klevenz does not explicitly disclose the display items being differing applications. Furthermore Klevenz does not disclose the displaying based on metadata tags describing a history of interaction between a user and the set of information items.

Baker discloses a method of providing web -based stacked images (i.e. collection of data items) includes providing a database of image data, the image data representing a plurality of separate images, displaying at least a portion of the plurality of separate images, creating a stack of image data by individually selecting images from the displayed images, wherein each time an image is selected, the image data representing

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the selected image is pushed onto the stack of image data (i.e currently selected information item with the remaining information items such the the selected information items is left atop the stack) the stack of image data including information defining an order in which the selected images are to be displayed and assigning a tag to the stack of image data, uniquely identifying the stack of image data, the tag being included in the stack of image data (Abstract, Fig. 1). Baker discloses display stacked images and data relating to the image (S19, Fig. 1) and an unrelated images (S20, Fig. 1). Baker discloses are different application program images (Par. 0043, Par. 0055). Furthermore Baker discloses the user can override the default order in which the images are placed in the stack, resorting the images or skipping over images based on individual preference. For example, the user's preference can be stored in standard cookie format on the user's computer. As shown in FIG. 4, if the stack is to be placed in a special order (Yes, Step S44) (e.g., based on previous user preference, etc), the user's computer is checked for a local cookie (Step S46). The local cookie may contain information indicating past user preferences. The stack is then reordered in accordance with the past user preferences (i.e. metadata tags further describing a history of interaction between a user and the collections of data items, Par. 0054)

It would have been obvious to one skilled in the art at the time of invention to combine the stacked/unstacked application program images as taught by Baker with the finer grained navigation of Klevenz to effectively reorder a collection of items.

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Regarding claim 18, Klevenz discloses computer readable storage media of claim 17, further comprising the steps of providing a transitional display for at least two display items in accordance with the second control (Par. 0042, 120a, 120b, Fig. 1)

Regarding claim 20, Klevenz discloses computer readable storage media of claim 17, the information preview is associated with at least one of a display that is about the same size as the stack, smaller than the stack, and larger than the stack (120a, 120b Fig. 1)

Regarding claim 21, Klevenz discloses computer readable storage media of claim 17, the first control is associated with a curser which is controlled by a mouse and the second control is associated with a wheel of the mouse (mouse Par. 0108, pointer/control, Par. 0091)

Regarding claim 22, Klevenz discloses a computing device, a processor, a memory accessed by and operated by the processor; and a graphical user interface (Fig. 1-4), comprising:

- a display object for displaying a group of pages (“user interface 114--from pages to panes to controls”, Par. 0054, Par. 0006);

- a tag associated with each member page from the group of pages “a subsection 422 that specifies the components in the pane”, (Par. 0081, see Fig. 4a);



a curser to select the group of pages “a control has been selected for pane 330, the control has been rendered, and information regarding the control has been conveyed to the user interface device” (Par. 0074)

wherein “Controls 143 and renderers 144 may be reusable between applications, user interfaces, pages, and/or panes”, (Par. 0049); and an axial controller to cycle the group of pages.

Klevenz does not explicitly disclose the pages representing differing applications. Klevenz does not disclose the displaying based on metadata tags describing a history of interaction between a user and the set of information items.

Baker discloses a method of providing web -based stacked images (i.e. collection of data items) includes providing a database of image data, the image data representing a plurality of separate images, displaying at least a portion of the plurality of separate images, creating a stack of image data by individually selecting images from the displayed images, wherein each time an image is selected, the image data representing the selected image is pushed onto the stack of image data (i.e currently selected information item with the remaining information items such the the selected information items is left atop the stack) the stack of image data including information defining an order in which the selected images are to be displayed and assigning a tag to the stack of image data, uniquely identifying the stack of image data, the tag being included in the stack of image data (Abstract, Fig. 1). Baker discloses display stacked images and data relating to the image (S19, Fig. 1) and an unrelated images (S20, Fig.

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1). Baker discloses are different application program images (Par. 0043, Par. 0055)

Furthermore Baker discloses the user can override the default order in which the images are placed in the stack, resorting the images or skipping over images based on individual preference. For example, the user's preference can be stored in standard cookie format on the user's computer. As shown in FIG. 4, if the stack is to be placed in a special order (Yes, Step S44) (e.g., based on previous user preference, etc), the user's computer is checked for a local cookie (Step S46). The local cookie may contain information indicating past user preferences. The stack is then reordered in accordance with the past user preferences (i.e. metadata tags further describing a history of interaction between a user and the collections of data items, Par. 0054)

It would have been obvious to one skilled in the art at the time of invention to combine the stacked/unstacked application program images as taught by Baker with the finer grained navigation of Klevenz to effectively reorder a collection of items.

Regarding claim 23, Klevenz discloses a computer device of claim 22, the axial controller causes a transition animation between pages when cycling the group of pages (Par. 0076-0078).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDON PARKER whose telephone number is (571)270-1302. The examiner can normally be reached on Monday thru Friday 11-8.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boris Pesin can be reached on 571-272-4070. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brandon Parker  
Examiner  
Art Unit 2174

/Boris Pesin/  
Supervisory Patent Examiner, Art Unit 2174